a covenant in a deed in favor of the grantor. Yet the court will do so when this clearly appears to have been the intent of the parties. To determine what this intent was the circumstances under which the covenant was made must be taken into consideration. In the light of these guiding principles it would seem that the court in the principal case properly held that the erection of a garage was not a violation of the covenant against the erection of a stable.

Nuisances—Nature and Elements.—The use of machinery in a building, causing vibrations and other disturbances in an adjoining house, is none the less a nuisance by reason of the fact that the adjoining house is old and less capable of resisting the causes complained of than a newer house would be.

Nuisances—What Constitutes—Machine Shop in Residence Section.—The operation of a machine shop, wherein an acetylene welder was used, in a residence neighborhood, held, under the circumstances of this case, to cause such discomfort, danger and injury to an adjoining property owner as to amount to a nuisance which should be enjoined.

Same—Use Made of Property.—Although the occupant of a building in a part of a city which has acquired a particular character, e. g., a manufacturing district, must accept the inconveniences and disturbances reasonably appropriate to the neighborhood, he may not be subjected to discomforts and damage arising from uses of adjoining property which are unreasonable and inappropriate to the particular locality.—Penniman *v.* Trautfelter, Circuit Court of Baltimore City, 1 Maryland Rep. 49.

Telegraphs and Telephones—Operation—Transmission of Messages—Claim for Damages.—Even if the condition printed upon a telegraphic blank, stating that a telegraph company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within 60 days after the message is filed with the company for transmission, be valid and binding, still if the suit for the recovery of the penalty provided for in §§ 2812, 2813, of the Civil Code, is brought within 60 days after the massage is filed with the company for transmission, no other or further presentation of the claim is necessary. Petty *v.* Western Union Telegraph Co. (Supreme Court of Georgia, June 13, 1912), 75 S. E. Rep. 152.

Note.—While there is some conflict of authority on the question here decided, the weight of authority, and of reason as well would seem to support the rule as laid down here. As the suit is equivalent to a written presentation of claim, it should therefore be a sufficient compliance with the stipulation. The courts of Alabama, Indiana, North and South Carolina, Tennessee and Texas have so held, although some of the courts of Civil Appeals did take the contrary view See 37 Cyc., p. 1691.